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JOHN M. PELKEY
ADMITTED IN D.C. AND VA

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 14, 1997

OUR FILE NO.
1564-102-63

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

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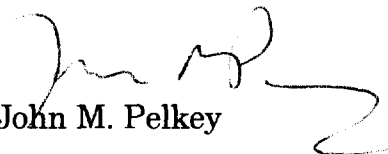
Re: Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
Ironton and Malden, Missouri

Dear Mr. Caton:

Transmitted herewith are an original and four copies of the Answer to Order to Show Cause and Joint Counterproposal and Comments of Dockins Communications, Inc. and B.B.C. Inc. in the above-referenced proceeding.

If you have any questions, please contact the undersigned.

Sincerely,


John M. Pelkey

JMP/ned

Enclosures: (5)

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DATE

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Before The
Federal Communications Commission

Washington, D.C. 20554

In The Matter Of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Ironton and Malden, Missouri))

MM Docket No. 97-136
RM-9083

RECEIVED
JUL 14 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**ANSWER TO ORDER TO SHOW CAUSE
AND JOINT COUNTERPROPOSAL AND
COMMENTS**

Dockins Communications, Inc. ("Dockins") hereby answers the order to show cause and, jointly with B.B.C. Inc. ("BBC"), submits comments and a Counterproposal, in the above-captioned proceeding. For the reasons set forth below, the Commission should, in lieu of adopting the proposal set forth in the proposed rulemaking, instead substitute Channel 225C2 for Channel 225C3 at Malden, MO; substitute Channel 240C3 for Channel 225A at Ironton, MO; and substitute Channel 225A for Channel 240A at Salem, MO. In support, Dockins and BBC state as follows:

By petition for rulemaking filed March 21, 1997, BBC, which is the licensee of KMAL(FM), Malden, MO, petitioned the Commission to institute a rulemaking proceeding to amend Section 73.202(b) of the Commissions' rules, the Table of FM Allotments, by substituting Channel

225C2 for Channel 225C3 at Malden, Missouri, and substituting Channel 224A for Channel 225A at Ironton, Missouri, and to modify the licenses of Stations KMAL(FM) and KYLS(FM) accordingly. In response, the Commission released a *Notice of Proposed Rulemaking and Order to Show Cause* (“*NPRM*”) wherein the Commission proposed to adopt the requested substitutions.¹ The *NPRM* also ordered the licensee of KYLS(FM) to show cause why the license of KYLS(FM) should not be modified to specify operation on 224A in lieu of Channel 225A.

Subsequent to the filing of the Petition for Rulemaking, BBC contacted Dockins, which is currently the licensee of KYLS(FM), to discuss with Dockins the mechanics of the proposed channel substitutions. Dockins expressed concern that the substitution of Channel 224A for Channel 225A at Ironton could result in increased interference to KYLS(FM) from a station operating on channel 224 at Herrin, Illinois. Dockins commissioned a study to determine whether some channel other than Channel 224 could be substituted for Channel 225A at Ironton. That study has revealed that Channel 240C3 can be substituted for Channel 225A at Ironton. Such a substitution would be in the public interest. As is demonstrated in the attached engineering statement of Wheeler Broadcast Consulting, substitution of Channel

¹ At one point, the *NPRM* indicates that it is proposing the substitution of Channel 225A for Channel 225A at Ironton. This is an obvious typographical error. Paragraph

240C3 at Ironton would result in a large increase in the area and population served by KYLS(FM). The area encompassed by the KYLS(FM) 60 dBu contour would increase from 1,846.7 square kilometers to 4,646.2 square kilometers, an increase of 152 percent. The population within that contour would increase from 15,802 persons to 36,473 persons, an increase of 131 percent. No loss in service would arise as a result of the substitution.

The substitution of Channel 240C3 for Channel 225A at Ironton would also permit the substitution of Channel 225C2 for Channel 225C3 at Malden, which is the substitution originally requested by BBC in its Petition for Rulemaking. That channel substitution would carry with it the same public interest benefits that were described by BBC in its Petition for Rulemaking. Specifically, KMAL could increase the area within its 60 dBu contour from 2,659 square kilometers to 8,544 square kilometers. The number of people served by KMAL would increase from 44,934 people to 140,045 people. Because the 60 dBu contour of the proposed Class C2 facilities of KMAL would completely encompass the existing 60 dBu contour of the C3 facility, no person would experience a loss in service as a result of the upgrade.

The substitution of Channel 240C3 for Channel 225A at Ironton would result in a short-spacing to KMMC(FM), Salem, Missouri. That

The substitution of Channel 240C3 for Channel 225A at Ironton would result in a short-spacing to KMMC(FM), Salem, Missouri. That short-spacing can be eliminated, however, if Channel 225A is substituted for 240A at Salem. As is explained in the attached Engineering Statement, KMMC would suffer no loss in coverage as a result of the proposed substitution of Channel 225A for Channel 240A at Salem. In fact, KMMC could upgrade from Class A facilities to Class 3 facilities at its present site if it so desired.² KMMC currently has no opportunity for a Class C3 operation on Channel 240.

If the channel substitutions set forth in this joint counter-proposal are adopted by the Commission, both BBC and Dockins will file the requisite applications for Channel 225C3 at Malden and Channel 240C3 at Ironton, respectively, and will promptly construct and operate those facilities upon grant of the applications. BBC will pay the reasonable costs associated with a one-channel change by KYLS(FM), with any incremental cost involved in the Ironton channel change to Channel 240, and any costs to upgrade to C3 facilities, to be paid by counterproponent Dockins. Dockins will pay the reasonable costs associated with KMMC's channel change from Channel 240A to Channel 225A. See *Circleville, Ohio*, 8 FCC 2d 159 (1967).

² The licensee of KMMC is being served with a copy of this pleading.

This counterproposal would permit improved service to the public. Nearly an additional 100,000 persons would receive service from KMAL(FM). More than an additional 20,000 persons would receive service from the upgraded KYLS(FM). No area would lose service as a result of the joint counterproposal. Accordingly, Dockins and BBC respectfully request that this joint counterproposal be adopted, and that Section 73.202(b) of the Commission's rule be amended as follows:

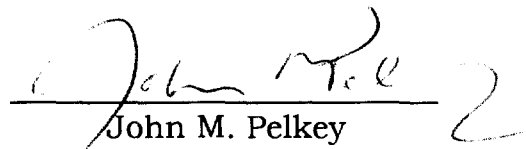
Community	Present Channel	Joint Counterproposal
Malden, MO	225C3	225C2
Ironton, MO	225A	240C3
Salem, MO	240A	225A

Dockins and BBC also respectfully request that the Commission (1) issue an order requiring the licensee of KMMC to show cause why the license of KMMC(FM) should not be modified to specify operation on Channel 225A, and (2) modify the licenses of KMAL(FM) and KYLS(FM) to operate on Channels 225C2 and 240C3, respectively.

Upon the adoption of this Counterproposal, the Commission's order to show cause issued with respect to KYLS(FM) becomes moot.

Respectfully submitted,

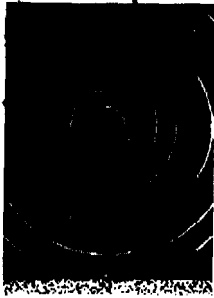
B.B.C. INC.
DOCKINS COMMUNICATIONS, INC.



John M. Pelkey
Their Attorney

HALEY BADER & POTTS P.L.C.
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606

July 14, 1997



WHEELER BROADCAST CONSULTING

Engineering Statement

Reply to Show Cause Order and Joint Counterproposal in RM-9083

This consultant has been retained, jointly, by B.B.C., Inc. (B.B.C.) and Dockins Communications, Inc.¹ (Dockins) for the purpose of preparing technical support to an answer to the Show Cause Order issued to Dockins in association with RM-9083, MM Docket 97-138. After conversations and correspondence between B.B.C. and Dockins they now jointly offer the following counterproposal to the original substitutions offered in RM-9083.

Background

In RM-9083, B.B.C. requested an amendment to 47 CFR 73.202(b) seeking to substitute Channel 225 C2 for Channel 225 C3 at Malden, Missouri and, in order to accommodate that substitution, substitute Channel 224A for Channel 225A at Ironton, Missouri. On May 14th, as released on May 23rd, the Commission issued a Show Cause Order to David E Smith Communications, Inc. (now Dockins) requesting that it show cause as to why its license should not be modified to specify Channel 224 A rather than 225 A². The comment date in RM-9083 was established as July 14, 1997.

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SUITE 117
MISSION, KS 66202
913.362 7287
913.362 7287

¹ Dockins Communications, Inc. is the assignee of KYLS from David E. Smith Communications. See BALH-961209GG.

² In an obvious typographical error, the Show Cause order actually suggested that Section 73.202 (b) be amended by substituting channel 225 A for channel 225 A at Ironton. See Show Cause order at ¶5. It is understood by all parties concerned that the order intended to propose substitution of 224 A for 225 A at Ironton.

Alternative Proposal

As a courtesy, B.B.C. contacted the principals of Dockins Communications upon filing the Rule Making request so as to establish an open dialog and establish a means to make the KYLS transition from Channel 225 A to Channel 224 A as smooth and effortless as possible. Dockins expressed concern with the move to Channel 224 as, due to the rugged terrain in the Ironton area, KYLS presently receives interference to its signal from the Channel 224 B1 operation of WVZA at Herrin, Illinois. Dockins surmises that the area of interference to KYLS would be increased if the WVZA interference was co-channel rather than first adjacent. Dockins further expressed its desire to receive an upgrade to KYLS and commissioned an investigation into the possibility of such an upgrade. A full search of the Commission's June 5, 1997 FM database revealed that indeed KYLS could achieve a Class C3 upgrade albeit on an alternate channel, Channel 240. Channel 240 C3 is available at Ironton if the Commission were to substitute Channel 225 A for Channel 240 A at Salem, Missouri and modify the license of station KMMC accordingly. A copy of the Commission's database demonstrating that Channel 225 A would be available for KMMC if KYLS was moved to Channel 240 C3 is included in this report as Exhibit 1. An additional search of the FM database demonstrating the availability of Channel 240 C3 at Ironton³, if KMMC was moved to Channel 225A, is included in this report as Exhibit 2. Exhibit 3 is a digitally generated map demonstrating that the proposed Channel 240 C3 allocation reference facility (25 kW at 100m HAAT) would be in compliance with the 70 dBu principal community coverage requirements of 47 CFR 73.315.

The upgraded class C3 facilities at Ironton would result in a large increase in the area and population served by KYLS. The area encompassed by the KYLS 60 dBu contour would increase from 1,846.7 km² to 4,646.2 km², an increase of 152% and the population served by that contour would increase from 15,802 persons to 36,473 persons, an increase of 131%. KMMC would suffer no loss in coverage as a result of the proposed substitution of Channel 225 A for Channel 240 A at Salem, MO. On Channel 225, KMMC could in fact upgrade from Class A facilities to Class C3 facilities at its present site if it so desired. On Channel 240, KMMC currently has no opportunity for a Class C3 operation at Salem.

³ The reference coordinates for Channel 240 C3 at Ironton, MO are 37° 33' 29" N. by 90° 44' 21" W. so as to fully space the co-channel, Class A operation of WDQN in Duquoin, Illinois.

Discussion

B.B.C., Inc. continues to seek the substitution of Channel 225 C2 for Channel 225 C3 at Malden, MO and continues its pledge to pay the reasonable costs associated with a one channel change to the KYLS transmission system. B.B.C. further supports Dockins desire to receive an upgrade at Ironton. Dockins acknowledges its responsibility to pay the reasonable costs associated with changing the KMMC transmission system from Channel 240 A to Channel 225 A and further expresses its desire to operate on Channel 240 C3. If the Channel 240 C3 allocation is granted, Dockins will file an application for those facilities and promptly construct and operate those facilities upon grant of the application. B.B.C. understands that it cannot enter program test authority on Channel 225 C2 until such time as KYLS has commenced program tests on its alternate channel. Dockins understands that the Channel 225 and Channel 240 swap with KMMC will need to occur simultaneously.

Conclusion

Both the proposed substitutions of Channel 225 C2 for Channel 225 C3 at Malden, Missouri and substitution of Channel 240 C3 for Channel 225 A at Ironton, Missouri would result in enhanced service for both facilities. In total, 115,782 persons would receive new service from the combined upgrades of KMAL at Malden and KYLS at Ironton. The proposed substitution of Channel 225 A for Channel 240 A at Salem Missouri would result in no loss of service for KMMC and could potentially allow KMMC to increase its service area as well. As such, the proposed substitutions are clearly in the public interest. Accordingly, B.B.C. and Dockins respectfully request that the Commission amend 47 CFR 73.202 (b) to read as follows:

Community	Present Channel	Proposal In RM-9083	Joint Counterproposal
Malden, MO	225 C3	225 C2	225 C2
Ironton, MO	225 A	224 A	240 C3
Salem, MO	240 A	240 A	225 A

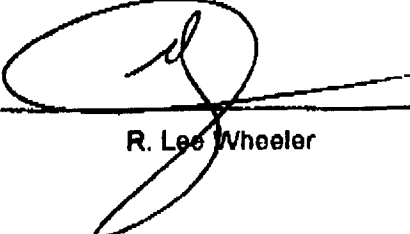
Methodology

All contour predictions used in this report were calculated in accordance with 47 CFR 73.313 of the Rules and all service contours depicted in this report are based on 360, equally spaced, radials. Area measurements were made with a K&E model 620000 Polar Planimeter and population determinations were made by digitally overlaying the PL-94-171 Census Data Files that extract information from the 1990 US Census.

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

7/8/97
Date


R. Lee Wheeler

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

CLASS A

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KGRC	225C1	Hannibal	MO	2.7	232.90	200.0	32.90
LI CN	39 43 45	91 24 15	100.000 kW	149M	144.8	124.3	
	Taylor Broadcasting Company				BLH4239		
DE225	225C3	Malden	MO	130.6	183.14	142.0	41.14
DE	36 33 09	89 58 42	0.000 kW	0M	113.8	88.3	
	B.B.C., Inc.				RM9083		970321
KMAL.C	225C3	Malden	MO	130.6	183.16	142.0	41.16
CP ZCN	36 33 08	89 58 42	23.500 kW	53M	113.8	88.3	
	BBC, Inc.				BPH950503IA		970315
>One-Step Application From Channel 224A							
WILFM	222C	St. Louis	MO	46.2	137.20	95.0	42.20
LI CY	38 28 56	90 23 53	100.000 kW	300M	85.3	59.0	
	WIL Music, Inc.				BLH890707KC		

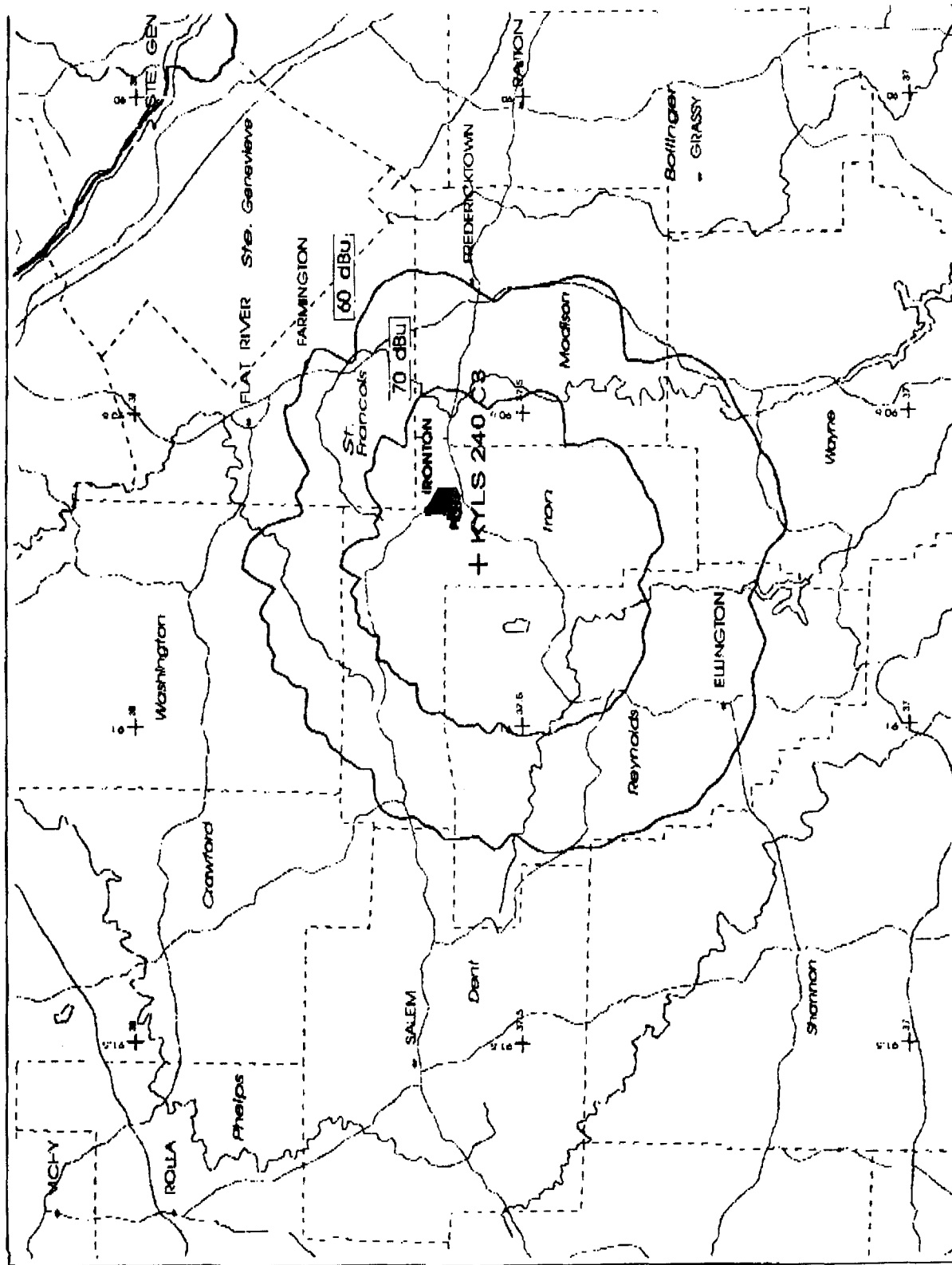


EXHIBIT 3

Proposed KYLS Channel 240 C3 Allocation Contours

N. Lat. 37 33 29 W. Long. 90 44 21

L. WHEELER - 06/97

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

BBC, Inc. & Dockins Communications
Salem, MO

REFERENCE	CLASS A	DISPLAY DATES
37 38 01 N		DATA 06-05-97
91 32 05 W	Current rules spacings	SEARCH 06-09-97
----- CHANNEL 225 - 92.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KYLS.C	225A	Ironton	MO	94.9	74.63	115.0	-40.37 *
CP ZCN	37 34 23	90 41 35	0.770 kW	206M	46.4	71.5	
David E. Smith Communications					BPH931230IE		970721
>One-Step Application From Channel 224A							
DE225	225A	Ironton	MO	94.9	74.63	115.0	-40.37 *
DE	37 34 23	90 41 35	0.000 kW	OM	46.4	71.5	
B.B.C., Inc.					RM9083		970321
AD224	224A	Ironton	MO	94.9	74.63	72.0	2.63 <
AD	37 34 23	90 41 35	0.000 kW	OM	46.4	44.8	
B.B.C., Inc.					RM9083		970321
KYLS	224A	Ironton	MO	94.9	74.63	72.0	2.63 <
LI CN	37 34 23	90 41 35	0.640 kW	204M	46.4	44.8	
David E. Smith Communications					BLH840113AK		
>*To channel 225A per one-step application 931230IE							
KNSX	227C2	Steelville	MO	39.4	67.92	55.0	12.92
LI CN	38 06 16	91 02 30	8.500 kW	356M	42.2	34.2	
Twenty-One Sound Communicatio					BLH961002KF		
>From Channel 224A Per D87-335							
KLOZ	224C2	Eldon	MO	310.6	121.64	106.0	15.64
LI CN	38 20 27	92 35 33	31.000 kW	189M	75.6	65.9	
Capital Media, Inc.					BLH890828KE		
KCTG	225C2	Ozark	MO	246.9	183.04	166.0	17.04
LI CN	36 58 26	93 25 37	50.000 kW	150M	113.8	103.2	
Ozark Mountain Broadcasting,					BLH950427KA		
AD225	225C2	Malden	MO	124.4	188.43	166.0	22.43
AD	36 39 48	89 47 39	0.000 kW	OM	117.1	103.2	
B.B.C., Inc.					RM9083		970321
KZLE.C	226C	Batesville	AR	185.1	194.08	165.0	29.08
CPM CN	35 53 29	91 43 32	100.000 kW	300M	120.6	102.6	
WRD Entertainment, Inc.					BMPH960718IB		970729
>From Channel 226C1 per one-step process (mod of DPH-941021IC)							

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

BBC, Inc. & Dockins Communications
Ironton, MO


REFERENCE	CLASS C3	DISPLAY DATES
37 33 29 N		DATA 06-05-97
90 44 21 W	Current rules spacings	SEARCH 06-09-97
CHANNEL 240 - 95.9 MHz		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KMMC	240A	Salem	MO	277.1	70.76	142.0	-71.24 *
LI CN	37 38 01	91 32 05	3.000 kW	50M	44.0	88.3	
	Ultra-Sonic Broadcast Station				BLH5034		
WDQNF	240A	Duquoin	IL	67.7	142.01	142.0	0.01 <
LI CN	38 01 56	89 14 30	6.000 kW	100M	88.3	88.3	
	Duquoin Broadcasting Co.				BMLH961203KD		
KJEZ	238C1	Poplar Bluff	MO	155.3	86.81	76.0	10.81
LI CN	36 50 50	90 19 52	100.000 kW	125M	54.0	47.2	
	Zimmer Radio of Mid-Missouri,				BLH7528		
KSAR	240A	Salem	AR	216.7	162.50	142.0	20.50
LI CN	36 22 51	91 49 28	2.500 kW	98M	101.0	88.3	
	Bragg Broadcasting, Incorpore				BLH7520		
>*To Channel 265A per D96-4. *To Channel 265C2 per one-step app 970							
WGKY	240A	Wickliffe	KY	113.1	171.59	142.0	29.59
LI CN	36 56 24	88 57 59	2.450 kW	110M	106.6	88.3	
	Purchase Sound, Inc.				BLH870105KC		
KWWR	239C	Mexico	MO	330.5	209.84	176.0	33.84
LI CN	39 11 42	91 56 25	100.000 kW	303M	130.4	109.4	
	KXEO Radio, Inc.				BLH850806KL		
KTRIFM	240A	Mansfield	MO	251.9	181.07	142.0	39.07
LI CN	37 02 18	92 40 30	3.000 kW	95M	112.5	88.3	
	Pearson Broadcasting of Mansf				BLH910524KC		
KIHT	242C1	St. Louis	MO	17.7	118.41	76.0	42.41
LI ZCN	38 34 24	90 19 30	80.000 kW	313M	73.6	47.2	
	KIHT-FM, Inc.				BLH960605KE		
KIHT	242C1	St. Louis	MO	16.6	122.33	76.0	46.33
LI CN	38 36 47	90 20 09	100.000 kW	168M	76.0	47.2	
	KIHT-FM, Inc.				BMLH960730KB		
>For Auxiliary Purposes Only							

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document entitled "Answer to Order to Show Cause and Joint Counterproposal" was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

Ultra-Sonic Broadcast Stations, Inc.
P.O. Box 650
Salem, MO 65560



Nancy E. Davies

July 14, 1997